

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

CHRISTIANA HOFF, )  
Plaintiff, )  
v. )      CASE No.: 5:17-cv-00188-LCB  
MITCHELL INDUSTRIAL )  
CONTRACTORS, INC., )  
Defendant. )

**MEMORANDUM AND ORDER**

This Court previously granted default judgment against defendant Mitchell Industrial Contractors, Inc. in favor of plaintiff on April 15, 2019, for its failure to defend itself in this matter. (Doc. 41). Plaintiff demanded a trial by jury in her initial complaint. (Doc. 1). Subsequently, plaintiff moved for a default judgment against the defendant and requested that damages be determined by this Court, thereby withdrawing her demand for a jury trial on damages pursuant to Rule 38 of the Federal Rules of Civil Procedure.<sup>1</sup> (Docs. 40 & 40-1).

This Court held a hearing on June 10, 2019, to determine plaintiff's damages. Whereas plaintiff provided testimony and evidence at the hearing showing her actual damages, including backpay, emotional distress, and details

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<sup>1</sup> Although, Rule 38(d), Fed. R. Civ. P., provides that both parties must consent to a withdraw of jury demand, the Court finds that the Defendant by failing to defend and appear in this matter has effectively waived its right to object to plaintiff's withdraw of her jury demand.

regarding the conduct of the Defendant.

Having reviewed plaintiff's testimony and evidence presented in open court,

IT IS HEREBY ORDERED as follows:

Defendant **MITCHELL INDUSTRIAL CONTRACTORS, INC.** is liable to Plaintiff **CHRISTIANA HOFF** in the amount of \$100,082.00, to include \$35,082.00 in back pay, \$15,000 in compensatory damages and \$50,000.00 in punitive damages. A final judgment will be entered contemporaneously with this memorandum and order.

**DONE** and **ORDERED** this October 9, 2019.



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LILES C. BURKE  
UNITED STATES DISTRICT JUDGE